L.R. 468-92

G. R. S. IX-5]

Previous references. 1892-93
191 .
(Mund.)

File No. 468-92

Serial Nos. 1—

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Major ~~Part~~ B for June 1893

SUBJECT.

Petition of Baba Rao for the Grant of a piece of land attached to the Bed of the Sampangi tank

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Ordered

W D 1250—GPB—30,000 - 28-1-13

Lease of Survey No 94
in the bed of the Sampit
Land to Rosalda Kirch.
na Row

The Proprietor of the
Evening Mail forwarded
to P. Chetkal Row Esqre
C.I.E., write an open letter
a copy of the Evening Mail
of the 18th April 1891 con-
taining a leader headed
Municipal Irregularities
in "The City" It contained
the following as regards
Survey No 94.

A piece of the land
in the bed of the Sampan
gy Land was sold last
year to Mr. Soobea Row
Advocate The Members
the Rate payers Asso-
ciation

at their meeting held on the 9th November last, pro-
tested against the sale, and it was cancelled by the President, Dr. Krishna Murti. He only performed his duty, but others have not been equally conscien-
tious. The same land has been sold to one Dr. Krishna Rao, a Resalder of the Mysore Military Force, and it is said that there are several others connected with the business, all holding office in the Mysore Service, whose names we cannot mention. It is in fact a joint stock affair, the partners being Govt servants. This most cer-
tainly is not as it ought to

to lee, and we call on the
Govt to look into the matter,
and read a lesson to the
Honders. Of course,
if Municipal Commissioners
and officials are allowed
to take up Mun. Loans
they can get it cheap
It is hoped the tank
in question will becom
sometime a source of
water supply to the City,
but if portions of land are
taken up this object will
be defeated and thus a
great injury will be done
to the Community at-large".

The President of the Ban-
galore City Municipality
was requested to submit
a full report on the
points discussed in
the leader.

No 806 of 723-4-91
No 279

The President is sub-
mitting a Report on the

No 109 of 728. 4. 91

several points raised in the leader observed as follows as regards the land in question.

"I beg to submit that in the year 1889-90 a demand had been received from one Mr Sorabji for the land lying to the north of Sidney Road which forms a part of the bed of Sampangi Tank. This was rejected by the Municipality. Subsequently the land in question was sold by public auction by the Revenue authorities perhaps under the impression that it was under their control, but on the motion of the Municipality and the complaint of some

some of the residents the Sale was cancelled by Mr. Krishna Dante. Again the same land was sold by the Revenue Department quite recently by public auction. The Municipality lost no time in pointing out this irregularity and asserting its claim to the land. The public also petitioned the D. & Comr. and the sale was for the second time cancelled by me on the 21st ultimo."

× Mr. Syed Nasiruddin

× No 253 of 5 May 1891

A petition having been received in this Office from Risaldar Krishna Dass regarding the cancellation of the lease of the land in question, the D. & Comr. was called upon to report on the same

No 859 of 10 Aug 1891

The D. & Commissioner

reply submitted a file of correspondence & a Report which contains a brief resume of the facts. The D.C. Comm. states as follows in the latter part of his Report.

"No 494 of 15.9.91

"In October 1890, one Babu Ram again applied for it (Serial No 23) in the Tahsil and on the Amildar's recommendation No 685 of 10 Nov. 1890 (Serial No 23) the land was ordered to be sold, as it was liable to encroachment by neighbouring occupants on the condition of it being restored to Govt. whenever required, without any claim for compensation and that the water course of the tank should in no way be interfered with"

0835 of 19 Dec. 1891

22½). The sale was accordingly held on 2nd March 1891 (Paras Nos 33, 34 & 36) and the highest bidder therefor was Riddi Krishna Rao (the petitioner) and the amount was duly paid in by him. But in the meantime complaints (Nos 46, 58 & 59) having again been received against the giving away of the land and the Vice President having also protested against the sale, as it was Municipal land Vide his docket No 728 of 7 March 1891, (Paras No 44) the sale was ordered to be held in abeyance, as the improvement of the tank were stated to be under contemplation, the amount deposited being returned to the petitioner (Order No 12069 21st March

"(i) Para (no 24 1/2)

The Sale has been for
mally and regularly held
and has fetched a
good price. Such assess
ment as the Survey
Superintendent may
fix will be levied in
addition The objection
that the land belongs
to the Municipality is
untenable. The profits
may go to the Municipa
lity and I believe the
Municipality may now
get from the annual
assessment a steadier
income than it used to
derive from the pasturage
Above all the occu
pation of the land will
prevent encroachment
by adjoining land
holders. The occupation

will further in no way
interfere with the improve
ments to the land.
The man has agreed
to give up the land
whenever required
without setting up
any manner of claim
for compensation

The following are
some of the important
papers received as
enclosures to the above.

(a) D/L No 345 [illegible]
August 1889 from the
then Vice President Mr.
A. Srinivasa Charlu to
the Bangalore Guilder
which runs as follows.

"The undersigned
has been informed that
a part of the Company
Kalle Land Lake applies
for by Saligram Sahib

Fenced No 48

Row & others are to be
sold by public auction
on the 28th instant. No
reference was made to
this Municipality.
However if the informa
tion received is correct
he (Amildar of Bangalore)
is requested to postpone
taking any action in
the matter till a refer
ence is made to Govt.
on the subject as the
land in question is
vested in the Muni.
Comrs. under the
Muni. Regulations &c.

(b) In the Sale petti
(Serial No 34) the follow
ing names appear
as the bidders.

1. Gauachar Papaya
2. S. Ker Khan
3. Annayappa Setty

4. Kalappa
5. Ranganadappa
6. Chelli Gowda
7. Risaldar Krishnappa

(c) In a Petition of 2nd Sep. 1889 (Serial No 21) several of the leading residents of that part of the Pettah which is adjacent to the land have protested against the lease of the land and among them the names of Risaldar Krishna Rao appears.

(d) A letter from Mr. M. Annaji Rao to the D.C. Comr. of Bangalore dated 24.6.91 (Serial No 50) of which the following is an extract.

A recent petition has been presented by Risaldar Krishna Rao on behalf of my

my Dep. more than a
month ago praying
that the land sold in
public auction and
purchased by him may
be given him. May I
request you to dispose
of the matter at an
early date & oblige

In forwarding
the file of papers re-
ceived with his letter
No 494 of 15.9.91
the D.S. Comr. was
requested to place
the matter referred
to in the above letter
before the Municipal
Board and report
their opinion.

The D.S. Comr. in
returning the above papers
forwarded an extract

No 8987/P150 of 24-10-91

from Proceedings of the City Board regarding this land & the following is the Resolution of the Board.

"The question of the lease of the land referred to in the above was put to vote. It was carried by a majority of 5 Commissioners against 1."

Docket dated 4th January 1892
No 10711
930

The President was requested to report fully what the opinion of the dissenting member was as regards the lease of the land and to on the receipt of Petn No 967 from the Residents hold in abeyance the resolution of the Board pending further orders of Govt. He replied that the minutes of the discussions were not usually recorded and there was nothing to show the reasons of the dissenting member Thereupon the President was

the Bungalow City, the he Board requested to

Presidents No 9903 of 11/1/92

was ~~was bound~~ deemed to
call upon the dessenting member
to state his objections and to
submit copy thereof with the
opinions of the other members
on the resolution after
considering such objections.
The President enquired as to + Letter dated 24/1/92 No 7014
whether the opinions of the
dessenting member and of
those that attended the
particular meeting had to
be recorded or whether the
resolution
~~Board~~ adopted at its last
meeting had to be considered
as set aside and the sense
of a fresh meeting was to be
taken. He was informed + Pro dated 29 January 1892
that it would be sufficient No $\frac{12027}{1177}$
if the opinions of all the
members, who attended the
meeting on the 19th December
1891 were obtained and
forwarded to Govt.
Subsequently a meeting

was ~~convened~~ held on the

28 January, when the

marginally noted members

were present, (the dessenting

member having absented himself)

and they agreed to the proposed

lease In forwarding thier

opinion of thier meeting, the

President pointed out that

the lease would be pecuniarily

+

advantageous to the Municipality

and questioned how a matter

which was decided by a

majority of 5 against 1 Member

at one meeting was ordered

to be reconsidered at another

setting of the same members.

The President was informed

that the opinions of the Members

would be considered when

the appeal preferred by Krishh

Row would be disposed of

and the final orders passed

by Govt would be communicated

Mr V P Madhava Row - President-
Amildar of Bangalore Ex officio
member

Mr Shekakbar
Ramasawmy Chetty } non official
members

Vide Vepa Presidents Letter to the address
of the Bangalore Commissioner

(1) At present land fetches Rs 50 from
pasture

(2) If assessed it will pay Rs 8

to him (President) and that.
the expression of opinion called
for in Proceedings dated 29 January
1892 etc $\frac{1202 7}{1177}$ involved no
reconsideration of any question
already decided by the Board

The marginally noted
3 Petitions from the residents
of the City protesting against
the lease of the sete and
two Petitions Nos 3952 and
4219 dated 29 February and
15 March 1892 respectively from
the appellant praying for the
early confirmation of the sale
of the land to him, have
since been received in this
office and are submitted for
orders.

Submitted

1 No 1411 D7 24/2/92
2 Petn No $\frac{3946}{1468}$ D7 29/2/92
3 Do 27/2/92

Before the Government of *His Highness* the Maharaja of Mysore.

Petition
~~Appeal~~ No. 253 of 1891–92.

Appellant.

Resaldar Krishna Rao
of Bangalore.

Respondent.

Decision, dated 15th October 1892

25-

On the application of one Baboo Rao (son of Mr Assistant Commissioner Annaya Rao), the Deputy Commissioner Mr Madhava Rao ordered the bed of Sampangi Tank (about 6 acres) to be sold for cultivation, in a public auction. It was accordingly sold on 2nd March 1891, and was purchased by the Appellant for Rs 571/-. The Deputy Commissioner Mr Syed Nasiruddin cancelled the sale on 21st March 1891, on the ground that the cultivation of the bed would interfere with the water supply of the Tank and affect the convenience of the residents of Akkurke who protested against

the sale. The appeal is against this order.

2. The appeal petition was referred to the Deputy Commissioner for report. Mr. Madhava Row, in reply, stated that as the sale was formally and regularly held, as it has fetched a good price, and as the purchaser has agreed to give up the land when required by Government, the sale might be confirmed.

3. From the records submitted, however, it having appeared that the Appellant was not the bona fide purchaser of the land and that it was bought by him on account of the Assistant Commissioner Mr Annaji Rao, all the parties concerned were sent for and examined.

4. The Appellant Krishna Rao was not able to appear at the hearing, but he subsequently appeared before the Councillor Mr Chentsal Rao and stated, in the presence of Mr Madhava Rao, that he did purchase the land on account of Mr Annaji Rao at his request, that he (Mr Annaji Rao), at the time of auction, promised to give 1/4th share in the land to Mr Shere Khan and 1/4th to Mr

Annaiyappa Chetty, if they agreed not to bid against him, that they having consented to the arrangement, he raised the last bid by one Rupee, and that the land was knocked down in his favor. He further stated that, immediately after the sale was over, he wrote a note to the Taluk Sheristadar, asking him to receive deposit money from Mr. Shere Khan and Mr. Annaiyappa Chetty as they were entitled to a moiety of the land as Shikmidars, but that shortly afterwards Mr. Annaji Ras came to him and persuaded him to deposit the money in his own name as he was not disposed to give a share to Mr. Shere Khan and Mr. Annaiyappa Chetty, and that he accordingly deposited the money in his own name.

5. Mr. Shere Khan corroborated the statement of Mr. Krishna Ras, but Mr. Annaiyappa Chetty, while admitting that 1/4th share in the land was promised to him, stated that the promise was made after the sale was completed, as a matter of favor, since he held lands in the neighbourhood.

6. The Taluk Sheristadar stated that

at about 3 o'clock on 2d March 1891, Shere Khan and Annaiyappa Chetty came to him with the note from Krishna Rao and deposited Rs 142-12-0, but, an hour afterwards, Krishna Rao himself came to him and paid the deposit money, stating that Mr Annaji Rao, for whom he purchased the land, objected to any deposit being received from Mr Shere Khan and Mr Annaiyappa Chetty. The note written by Mr Krishna Rao, which alludes to the shares of Mr Shere Khan and Mr Annaiyappa Chetty, was also produced.

7. Mr Annaji Rao denies all knowledge of the agreement made with Mr Shere Khan and Mr Annaiyappa Chetty, but admits that the purchase was on account of his son, who is an undivided member of his family. He also stated that he had the general permission of Government to acquire lands, but had no special permission to acquire the land under notice.

8. From the facts stated above, it is beyond doubt that Mr Annaji Rao induced Mr Shere Khan & Mr Annaiyappa Chetty

not to bid against him by promising them a share in the land, but having attained his object, endeavoured to keep the whole property to himself. It also appeared from the enquiry that but for the promise made by Mr Annaji Rao, the property would have fetched a much larger price than Rs 571.

9. Under these circumstances, the Government have no hesitation in declaring that the purpose is tainted with fraud and accordingly confirm the cancellation of the sale.

10. The conduct of Mr Annaji Rao in the matter was not only dishonorable but fraudulent and opposed to section 30 of the Land Revenue Code. Due notice of it will be taken in the Revenue Department.

11. The present Deputy Commissioner will be directed not to sell the land again without the sanction of Government.

By Order
Sd/ N. Narain Rao
Dy Chief Secretary

5680

Pet F. 180-92

Copy forwarded to the Deputy Commissioner, Bangalore District, with the vernacular papers received with his No. 842 dated 11th January 1892.

By Order

Sd/ Narain Rao

for Chief Secretary

The must demanding that in Krishna Rao's request of 15th January 2nd mention may be made of the name of the petitioner's father in the letter.

24/3/94.

Copy

Narain Rao

for Chief Secretary.

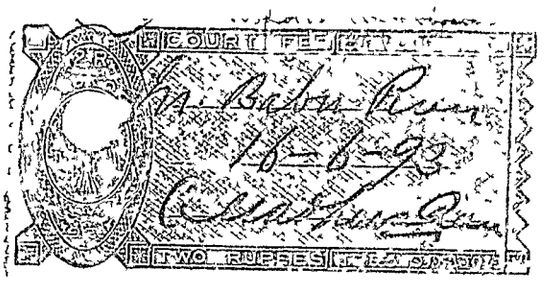
Copy Compd

Sd/ Narain Rao

a hearing

Upon hearing Krishna Rao and from my Cause of [illegible] I ordered accordingly and gives him a hearing this day. I have heard him this day. His defence is that (whether he was right in buying the land in his own name or not customary the Sanctioned Govt.) he did so in the honest belief that he was doing what was right. He upon upon this point & Govt has moved in his own name & his subsequent letter & Govt has moved in Krishna Rao's been asked to bid was on account of his own advances & Krishna Rao on the Day of auction - The govt permission on Govt. rep. of Mentors nothing more than a reply from Govt. asking him for particulars of land & buy which he had asked for permission on.

He said that I never authorised Krishna Rao to bid on my behalf. He was present the land was finally knocked down to Shere Khan as Sale was given on Shere Khan's "Amanyapper Chetty since present for Shere Khan & since I plainly refused. Shere Khan "asked a 3rd time & I said "Baba Rao must be asked" Krishna Rao asked "Shere Khan deposit for Shere Khan & another chetty - we came as per "Eg. & various deposit for Shere Khan & another chetty Cunning - Krishna Rao's "after words said there was delay in my Cunning, I was there & the auction was over. "Krishna Rao's promises shows 20 lines as I make out. much & fear & "he had no settling from me Cautious in doing the thing "His subsequent statements & himself as addition of the "Correspondence & himself as addition of the "of fraud had about been left out "by Newspapers & Certain Officials "and the great fear



26-6-93

Mysore
398
19-6-93

Sir K Sheshadri Iyer K.C.S.I.
Dewan to H.H. the
Maharaja of Mysore

The humble petition of
Balu Rao
Most respectfully Sheweth

Serial No

That your petitioner having heard that a piece of land attached to the bed of the Lampigay Tank was available for cultivation and he applied for it to the Amildar of Bangalore on Oct 189

Mysore
30-6-93

2.

The Amildar supported the application and forwarded

it to the Dy Commr for orders

3.

The Dy Commr was pleased to order the Amildar to sell the land in a public Auction with a reservation that the purchaser should give it up without claiming any Compensation whenever the same may be required for the Government purposes

4.

The Sale of the land took place in March 1891 on the spot in the presence of the Amildar As your petitioner happened to be at Madras at the time he asked his father Mr Annaji Rao Asstt Commr to get it purchased for him and to pay for it. It was accordingly purchased for Rs 571 after a very keen Competition by Resaldar Krishna Rao for your petitioner

5.

The petitioners father paid the money Rs 571 into the Talugpe Treasury through Resaldar Krishnaka and obtained receipts therefor on behalf of the petitioner.

6.

The Sale proceedings were submitted to the Dyforman. in due course by the Amildar and the then Dyforman the late Mr. Syed Nasaruddin Saib cancelled the sale on the ground that the Sale of the land would interfere with the supply of water to the tank.

7.

Resaldar Krishnaka has preferred an appeal against the above order on behalf of the petitioner, to the Government, and the Govt. was pleased to call for a report in the matter and one was submitted by the

Dy Comm^r.

8.

Again the Govt called upon the Dy Comm^r and President to place the matter before the Municipal Board for the opinion of the Municipal Commissioners Accordingly the matter was discussed and a resolution was passed in January 1892. that the land may be granted to the petitioner.

9

The appeal was heard in Sept 1892 by the two learned members of the Maha Raja's Council when two Municipal Comm^rs Annayappa Chetty & Sher Khan and the petitioner's father were sent for & asked a few questions regarding the sale of the land and the Honorable members

were pleased to dismiss the appeal holding that the Sale was tainted with fraud,

10.

Your petitioner will humbly venture to state that there was no Complaint from anyone against the Sale, that the land fetched more than five times the value it had once fetched when Sold under orders of Mr. P.N. Krishna Murti in 1888; that the enquiry held in Council was oral, informal, and imperfect and yet unfortunately for the petitioner the Councellors were pleased to say that there was a Compact and the land was undersold on the vague and incorrect Statements of one Sher Khan who wanted to carry it away for a Small and nominal price, as did

his friend Umayappa Chetty,
a piece of this land measuring
about one acre for no value but
as a gift in 1883

11.

The petitioner's father
had obtained the permission of
the then Sy/comm^ for buying the
land for the petitioner though
strictly speaking it may be
found to be unnecessary
as the petitioner is more than
20 years old now and this the
petitioners father did to keep
the matter above all Suspicion

12

The petitioner would
further beg to Submit that the
procedure adopted by the two
members of the Council in
making an enquiry into the
matter without a Complainant is
not in accordance with the

law and that the order passed by them may be said as one without jurisdiction as all the three Hon members of the Council did not sit and hear the appeal as the rules seem to contemplate

13.

The petitioner though applied for a Copy of the proceeding so long back as Dec. 1892 it was given to him only yesterday × Hence the delay in making this representation. And the large sum of rupees about Six hundred is with the Govt for the past three years and upwards.

× copy of which enclosed

14.

Under the above Circumstances your petitioner humbly prays that as the head and representative of this enlightened Govt, you will be pleased to send for and peruse all the papers and after due

Consideration and enquiry if ~
necessary do justice to the petitioner
by granting the land

For which act of
justice your petitioner in duty
bound shall ever pray.

M. Babu Rao.

Bangalore
17th June 1893.

30 6 93

No. 3406

Mysore Dewan's Office,
Petition Department,
30 June 1893.

Endorsement granted to M. Babu Row son of Assistant Commissioner Mr. M. Annaji Row, Bangalore, Camp in reply to his Petition Registered No. 398 dated 17 June 1893

Petitioner is informed that there are no grounds whatever for any reconsideration of the orders already passed regarding the disposal of the bed of the Sampigehalli Tank, Bangalore taluk, and this application is accordingly rejected.

The Enclosure is herewith returned.

"By Order,"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.